

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

<p>In re:</p> <p>INTEGRATED HEALTH SERVICES, INC., <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p>		<p>Chapter 11</p> <p>Case No. 00-389 (MFW)</p> <p>(Jointly Administered)</p>
<p>IHS LIQUIDATING LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>ACE INDEMNITY INSURANCE COMPANY f/k/a INDEMNITY INSURANCE COMPANY OF NORTH AMERICA,</p> <p style="text-align: center;">Defendant</p>		<p>Civil Action No. 05-376 (GMS)</p>
<p>IHS LIQUIDATING LLC,</p> <p style="text-align: center;">Third-Party Plaintiff</p> <p style="text-align: center;">v.</p> <p>NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, GENERAL STAR INDEMNITY COMPANY, and ACE INDEMNITY INSURANCE COMPANY f/k/a INDEMNITY INSURANCE COMPANY OF NORTH AMERICA</p> <p style="text-align: center;">Third-Party Defendants</p>		

**THIRD-PARTY DEFENDANT AND FOURTH PARTY PLAINTIFF,  
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA'S  
MOTION TO AMEND PLEADINGS TO CONFORM TO THE EVIDENCE**

COMES NOW Defendant and Third-Party Defendant, Indemnity Insurance Company of North America (hereinafter "IICNA"), by and through its attorneys, moves this Honorable Court for an order approving an amendment to its pleadings pursuant to Federal Rule of Civil Procedure 15(a) and D.Del. LR 15.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, as follows:

1. IICNA is an excess insurance carrier which was made a defendant and third-party defendant in a declaratory judgment action initiated by IHS Liquidating LLC.
2. National Union is an excess insurance carrier which was made a third-party defendant in a declaratory judgment action initiated by IHS Liquidating LLC.
3. IICNA sought leave to amend its Answer to the Third-Party Complaint to assert cross-claims against the other third-party defendants including National Union.
4. IICNA hereby files this Motion to Amend Pleadings to Conform to the evidence developed through discovery. There are no issues of prejudice to National Union.
5. IICNA relies on and incorporates herein by reference its Opening Brief in Support of its Motion to Amend Pleadings to Conform to the Evidence.

**WHEREFORE**, Plaintiff, Indemnity Insurance Company of North America, respectfully requests entry of an order in the form attached approving an amendment to the Complaint as set forth at Exhibit "A" and any other relief the Court deems appropriate.

Respectfully submitted,

WETZEL & ASSOCIATES, P.A.

/s/ Benjamin C. Wetzel, III  
Benjamin C. Wetzel, III (I.D. No 985)  
Natalie M. Ippolito (I.D. No. 3845)  
The Carriage House, Suite 201  
1100 N. Grant Avenue  
Wilmington, DE 19805  
(302) 652-1200

Of Counsel:  
Ward A. Rivers, Esquire  
Deasey, Mahoney & Valentini, Ltd.  
1601 Market Street., Suite 3400  
Philadelphia, PA 19103-2978

Dated: July 9, 2007

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

<p>In re:</p> <p>INTEGRATED HEALTH SERVICES, INC., <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p>	<p>Chapter 11</p> <p>Case No. 00-389 (MFW)</p> <p>(Jointly Administered)</p>
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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of  
Defendant and Third-Party Defendant, Indemnity Insurance Company of North

America's Motion to Amend Pleadings to Conform to the Evidence and its Brief In Support and Second Amended Complaint,

**IT IS HEREBY ORDERED** that Defendant and Third-Party Defendant, Indemnity Insurance Company of North America's Motion to Amend Pleadings to Conform to the Evidence is hereby GRANTED. Indemnity Insurance Company of North America shall have ten (10) days to file its Answer and Second Amended Complaint.

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GREGORY M. SLEET  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2007, I electronically filed the within Defendant/Third-Party Defendant Indemnity Insurance Company of North America's Motion to Amend Pleadings to Conform to the Pleadings with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Garven F. McDaniel, Esquire  
Bifferato Gentilotti & Balick  
P.O. Box 2165  
Wilmington, DE 19899

Christopher P. Simon, Esquire  
Cross & Simon, LLC  
913 N. Market Street, 11th Floor  
Wilmington, DE 19801

and served through the U.S. Mail:

Lee W. Stemba, Esquire  
Clement H. Berne, Esquire  
Troutman Sanders, LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174

George C. Campion, Esquire  
Weiner Lesniak, LLP  
629 Parsippany Road  
Parsippany, NJ 07054-0438

Gwynne A. Young, Esquire  
Carlton Fields, P. A  
Corporate Center Three at International Plaza  
4221 W. Boy Scout Boulevard  
Tampa, FL 33607-5736